



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 16, 1998

Ms. Laura E. Enriquez-Guerra
Records Management Specialist
Ysleta Independent School District
9600 Sims Drive
El Paso, Texas 79925-7225

OR98-3158

Dear Ms. Enriquez-Guerra:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120730.

The Ysleta Independent School District (the "district") received an open record request for

all information on file – in particular the name of the person who called [a district employee] on the morning of 9-1-98 in regards to the purchase of 6 video [sic] at Wal-Mart. I also need a copy Wal-Mart [sic] receipt signed by me.

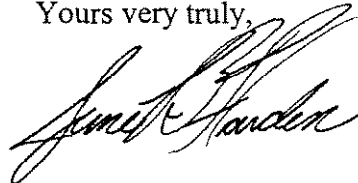
You seek to withhold the name of the "informant" pursuant to the "informer's privilege" as incorporated into section 552.101 of the Government Code.¹

You have informed this office in subsequent correspondence, however, that the name of the individual at issue does not exist in written or electronic form, but rather exists only "in the memory of the Chief Finance Officer." The Open Records Act applies only to information contained in tangible items such as documents and other "developed materials." Attorney General Opinion JM-640 (1987). The Open Records Act does not require a governmental body to prepare new information in response to a requestor. Open Records Decision No. 445 (1986). Because you state that the information at issue does not exist in a tangible form, the district need not comply with this request.

¹Because you do not argue that the other requested information is excepted from required public disclosure, we assume the district has released this information to the requestor. If it has not, it must do so at this time. See Gov't Code §§ 552.301, .302.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref.: ID# 120730

cc: Ms. Margo A. Yanez
9954 Lockerbie
El Paso, Texas 79925